


DECLARATION UNDER 37 C.F.R. § 1.132

I, David H. McDaniel, declare as follows:

1. I am an inventor of the subject matter of U.S. Patent Application Serial Nos. 12/550,749, 12/583,578, and 12/550,799 (the "Applications") as well as U.S. Patent Nos. 7,494,503, 7,201,765, 6,936,044, 6,887,260, and 6,663,659 (the "Patents").
2. I am a Dermatologist, Board Certified by the American Board of Dermatology, and am an Assistant Professor of Clinical Dermatology at Eastern Virginia Medical School, Co-Director of the Hampton University Skin of Color Research Institute, Adjunct Professor in the School of Science, Hampton University, as well as the Adjunct Assistant Professor, Department of Biological Sciences for Old Dominion University.
3. My education includes a medical degree in from West Virginia University School of Medicine, and, prior to that, a B.S. degree in Chemistry from West Virginia University.
4. In addition to my dermatology training, I have special training/experience in pathology, dermatopathology and emergency medicine.
5. I have conducted research in the field of dermatological light therapy since approximately 1982.
6. I have been a consultant for L'Oréal SA since approximately 2009, at which time it purchased a patent portfolio that includes the Applications and Patents.
7. I am an inventor on at least 13 issued United States Patents, as well as 15 foreign patents. I am also an inventor on at least 40 currently pending U.S. and foreign patent applications. I am an author of over 75 scientific articles and book chapters, primarily concentrating in the field of laser and light based cosmetic surgery, antioxidants, and anti-aging medicine.
8. When the Applications and Patents were originally drafted, a typographical error was introduced into the specification of each. The relevant sentence states: "For purposes of the present invention, any device that emits electromagnetic radiation in a bandwidth of +/- about 1000


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nanometers around a dominant wavelength can be considered to be a narrowband, multichromatic emitter."

9. A person skilled in the art would recognize and understand that "+/- about 1000 nanometers" was a typographical error, as radiation that has a bandwidth of 1000 nanometers would not be considered narrowband.
10. Further, a person skilled in the art would recognize and understand that the sentence should have stated that the radiation may be "+/- about 100 nanometers" around a dominant wavelength.
11. The obvious typographical error was corrected to recite "+/- about 100 nanometers" when 10/119,772 (of which I am also an inventor) was filed as a continuation-in-part of 09/894,899.
12. Similarly, the obvious typographical error was corrected to recite "+/- about 100 nanometers" when 11/346,622 (of which I am also an inventor) was filed as a continuation-in-part of 11/119,378.
13. Each of the Applications and Patents should be corrected to recite the following: "For purposes of the present invention, any device that emits electromagnetic radiation in a bandwidth of +/- about 100 nanometers around a dominant wavelength can be considered to be a narrowband, multichromatic emitter."

I declare that all statements herein made of my own knowledge are true and that all statements made herein on information and belief are believed to be true. I do hereby state that I am aware that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the application or any patent issuing thereon.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: 9/13/11 (date)
Signature: 